

FINAL

MARION CONSERVATION COMMISSION
MINUTES OF THE REGULAR MEETING HELD ON JUNE 12, 2013

Members Present: Lawrence B. Dorman, Acting Chairman
Joel D. Hartley, Treasurer
Norman A. Hills, Clerk
Stephen C. Gonsalves

Members Absent: Jeffrey W. Oakes, Associate
Wendy L. Carreau, Associate
Sherman E. Briggs, Jr. (resigned June 4, 2013)

Secretary: Diane R. Drake

Others Present: Kerry and Will Saltonstall, Joan Hartnett-Barry and Frank Cerkovitz

Meeting convened at 7:00 PM Wednesday, June 12, 2013 in the conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, June 8, 2013 by N. Hills and J. Hartley. This meeting was audio recorded by Town of Marion staff.

7:00 PM **WILL SALTONSTALL, ALLENS POINT LLC**, 380 Wareham Street – Request for Determination of Applicability (File No. 41D-1511) to construct an 18' x 26' addition to the northeast corner of the Saltonstall Architects building. S. Gonsalves left the table. Will and Kerry Saltonstall were present and described the project. The addition will be built on six piers to match the existing building's first floor which is a few inches lower than the flood elevation. He said it initially will be entered by its own front door, with no door to enter the main building. He said he has several extra parking spaces than what the Planning Board requires. N. Hills said the wetland lines are valid for three years, and this line is seven years old. N. Hills said the edge of the gravel parking lot extends at least ten feet further southerly than shown on the plan. W. Saltonstall said the plan is what Thompson Engineering prepared six years ago, and he only superimposed the proposed addition onto it. W. Saltonstall said Marinus Van Der Pol delineated the line by vegetation and soils. N. Hills said because this is a Request for Determination of Applicability filing the Commission could permit the work but refuse to accept the wetland line. N. Hills noted that the last filing was also a Request for Determination. The Commission Members preferred to have the extra 10 feet of gravel parking lot that extends into the buffer zone pulled back, as there is adequate parking available without it. N. Hills suggested any stockpiled soil to be placed where the planting bed is, with a siltation fence between it and the downhill slope. L. Dorman moved to close the hearing; N. Hills seconded; voted unanimously. S. Gonsalves returned to the table.

7:15 PM **FRANK CERKOVITZ**, Cross Neck Road – Request for Determination of Applicability (File No. 41D-1510) to convert cranberry bogs into wetlands as mandated by the U.S. Department of Agriculture, Natural Resources Conservation Service. Frank Cerkovitz was present and said he is converting his Chapter 61A land into conservation land, and a requirement is that this work must be done. N. Hills said this project is similar to the work recently approved for the Grassi Bogs, which includes slicing the dikes. F. Cerkovitz said trees will be allowed to grow, and he will be responsible for the site for the time being. The locking systems are to prevent water from backing up in the bogs. L. Dorman moved to close the hearing; J. Hartley seconded; voted unanimously.

TO DISCUSS:

A. **Sprague's Cove** – ratify the \$12,000 request for a reserve fund transfer to be used for fencing (\$7,000.00) and to treat invasive plant species (\$5,000.00) at the Storm Water Remediation Project at Silvershell Beach (File No. SE 041-556). An additional \$1,000.00 in unused funds in the Conservation Commission's budget will also be needed for the fencing, which will be installed in the same location as the existing fence. S. Gonsalves said he would prefer to move the new fencing away from the Rugosa and brambles so that it would last longer and not rot out due to being covered with vegetation. It is hoped that the Department of Public Works will be able to mow along the fence on both sides of it. L. Dorman moved to approve the ratification; N. Hills seconded; voted unanimously.

OTHER MATTERS:

A. **Dr. Henning Gaissert** – new dwelling at 28 Front Street (File No. SE 041-1194). N. Hills said he received a complaint that water from the foundation construction is being pumped into Sprague's Cove. N. Hills said there is a lot of water in the foundation due to the 6" of rain recently, but it is being pumped into a dewatering area in accordance with the Commission's Order of Conditions. The Commission agreed that this does not appear to be a wetlands violation. No action is needed.

B. **Bay Watch Realty Trust** – 40B housing project at Front Street (File No. SE 041-1145). Kenneth Steen had submitted a copy of his Construction Management Plan to the Conservation Commission. This Plan was required by the Building Commissioner as a Pre-Construction Submission of the Comprehensive Permit for the project. N. Hills said the Special Conditions of this Order of Conditions require the Applicant to install the siltation fencing and submit plans of the bridge to be built before work begins. L. Dorman drafted a letter to K. Steen reminding him of these Conditions of his Order of Conditions and moved to issue it as written; N. Hills seconded; voted unanimously.

C. **Marion Recreation Committee** – Washburn Park grounds and trails maintenance (File No. 41D-1488). N. Hills said he received a report of a new trail cut through wetlands from Washburn Park Road to the spring house at the skating pond. D. Drake said she is very familiar with that area and that trail has always been there. It became overgrown because people preferred to avoid ticks by walking along the edge of the abutting mowed field. She said that the Request for Determination filed by the Recreation Committee was to restore the picnic area by the skating pond and maintain the hiking trails in that area, but the Determination of Applicability somehow only addressed a portion of the picnic area, and ignored the requested maintenance of the trails. L. Dorman and S. Gonsalves said they would like to view the site.

7:50 PM **WARREN P. WILLIAMSON IV and LEE H. WILLIAMSON**, southerly of 125 Converse Road – Notice of Intent (File No. SE 041-1201) to perform the following activities within the 100' Buffer Zone to a Bordering Vegetated Wetland: construct a portion of a deck, install a portion of a drainage pipe, and perform land clearing and grading associated with the construction of a dwelling located outside the Buffer Zone. The Williamsons' Engineer, David Davignon of N. Douglas Schneider & Associates, texted that he was delayed at another conservation commission meeting, and requested a continuation of this hearing. L. Dorman moved to continue the hearing, with the Applicant's consent, to 7:40 PM on June 26, 2013; J. Hartley seconded; voted unanimously.

WILL SALTONSTALL, ALLENS POINT LLC – for a proposed addition to the building at 380 Wareham Street (File No. 41D-1511). J. Hartley moved to issue a conditional Negative Determination for Boxes 2 (flood plain) and 3 (buffer zone) with conditions that: (1) the parking lot shall be pulled back to be as shown on the Plan of Record and the disturbed area allowed to revegetate; (2) soil shall be stockpiled in the planter area; and (3) siltation fencing shall be installed between the stockpiled soil and the wetlands. L. Dorman seconded the motion; voted by majority with S. Gonsalves abstaining from the discussion and vote.

FRANK CERKOVITZ – for converting cranberry bogs into wetlands at Lot 39 Cross Neck Road (File No. 41D-1510). L. Dorman suggested issuing a conditional Negative Determination for Box #2 with a condition that work shall be subject to the U.S. Department of Agriculture/Natural Resources Conservation Service Restoration and Construction Details dated February 2013, as provided to the Conservation Commission on March 27, 2013. N. Hills so moved; L. Dorman seconded; voted unanimously.

TO DISCUSS:

B. **Conservation Commission Member openings** – Sherman Briggs, Jr. resigned on June 4, 2013, effective immediately. N. Hills has requested reappointment as a Member, and Jeffrey Oakes has requested reappointment as an Associate Member. Former Member Bruce Hebbel is waiting for the Ethics Commission's clearance letter before applying for a Member position, as he does contractual work for CLE Engineering, Inc. which represents applicants before the Conservation Commission. L. Dorman said he spoke with Frank Germano, Jr., a former Member who would be interested in an Associate Member position.

Meeting adjourned at 8:40 PM.

Diane R. Drake, Secretary

Approved June 26, 2013